

#### Remarks

Upon entry of the above amendment, claims 1-6 and 8-11 will be pending in the present application. Applicant has canceled claim 7 and inserted its subject matter into claims 1 and 2. Applicant has amended claim 1 to make it a proper product by process claim. Applicant has amended claim 2 so that it is now an independent method claim. All other amendments are to conform with U.S. patent practice.

#### Issue Under 35 U.S.C. §102/§103

Claims 1-5 stand rejected under 35 U.S.C. §102 as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Sumikawa '116 (USP 5,463,116). Claims 2 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sumikawa '116. Applicant respectfully submits that Sumikawa '116 fails to disclose or suggest each and every limitation found in independent claims 1 and 2.

Applicant has amended claims 1 and 2, which are independent, to include a limitation that the second solvent is water containing hydroxypropylmethylcellulose. The Examiner has admitted on page 4 of the outstanding office action that "the prior art fails to teach or fairly suggest the use of hydroxypropylmethylcellulose in admixture with the second solvent."

Applicant respectfully requests withdrawal of the 35 U.S.C. §102/§103 rejection.

#### Allowable Subject Matter

Applicant wishes to thank the Examiner for indicating allowable subject matter. Applicant has acted accordingly and inserted the limitation of water with hydroxypropylmethylcellulose as the second solvent in claims 1 and 2.

#### Conclusion

Applicant has addressed each and every issue set forth by the Examiner. Applicant respectfully submits that the present application is in good condition for allowance.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (617) 871-4125.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 19-0134 for any additional fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly extension of time fees.

Respectfully submitted,

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080  
(617) 871-4125

  
Mark W. Milstead  
Attorney for Applicant  
Reg. No. 45,825

Date: *December 19, 2006*